

EXHIBIT B

For James R. Batchelder (CSB # 136347)
Andrew T. Radsch (CSB # 303665)
James F. Mack (CSB # 322056)
Nancy N. Attalla (CSB # 341070)
ROPES & GRAY LLP
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303-2284
Telephone: (650) 617-4000
james.batchelder@ropesgray.com
andrew.radsch@ropesgray.com
james.mack@ropesgray.com
nancy.attalla@ropesgray.com
Additional counsel on signature page
Attorneys for Plaintiff and Counterclaim Defendant
YANGTZE MEMORY TECHNOLOGIES COMPANY, LTD.
and Counterclaim Defendant
YANGTZE MEMORY TECHNOLOGIES, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

YANGTZE MEMORY TECHNOLOGIES COMPANY, LTD.,)	Case No. 3:23-cv-05792-RFL
Plaintiff,)	
v.)	PLAINTIFF AND COUNTERCLAIM
)	DEFENDANTS' RESPONSES TO FIRST SET
)	OF REQUESTS FOR PRODUCTION
)	(NOS. 1-81)
MICRON TECHNOLOGY, INC., and)	
MICRON CONSUMER PRODUCTS)	
GROUP, LLC,)	
Defendants.)	
MICRON TECHNOLOGY, INC.,)	
Counterclaim Plaintiff,)	
v.)	
YANGTZE MEMORY TECHNOLOGIES)	
COMPANY, LTD., and YANGTZE)	
MEMORY TECHNOLOGIES, INC.,)	
Counterclaim Defendants.)	

1 Pursuant to Fed. R. Civ. P. 26 and 34, Plaintiff and Counterclaim Defendant Yangtze Memory
2 Technologies Company, Ltd. and Yangtze Memory Technologies, Inc. (collectively, “YMTC”)
3 hereby object to and provides the following responses to Defendant and Counterclaim Plaintiff Micron
4 Technology, Inc. (“Micron”) First Set of Requests for Production (Nos. 1-81) as follows:

5 YMTC responds to Micron’s First Set of Requests for Production as it interprets and
6 understands each Request set forth therein. If Micron subsequently asserts an interpretation of any
7 Request that differs from YMTC’s understanding of that Request, YMTC reserves the right to
8 supplement, revise, amend, or modify its objections and/or responses.

9 No incidental or implied admissions are intended by the responses herein. YMTC’s responses
10 to these Requests do not constitute admissions relative to the existence of any documents or
11 information, to the relevance or admissibility of any documents or information, or to the truth or
12 accuracy of any statement or characterization contained in Micron’s Requests. The fact that YMTC
13 has answered part or all of any Request is not intended to be, and shall not be construed to be, a waiver
14 by YMTC of any part of any objection to any Request. All objections as to relevance, authenticity, or
15 admissibility of any document produced in response to these Requests are expressly reserved.

16 17 **GENERAL OBJECTIONS**

18 Each of YMTC’s responses to Micron’s First Set of Requests for Production is subject to, and
19 incorporates, the following General Objections. YMTC specifically incorporates each of these
20 General Objections into its specific responses to each of Micron’s Requests, whether or not each such
21 General Objection is expressly referred to in a specific response. YMTC’s responses are made without
22 waiving any of these General Objections.

23 1. YMTC objects to each Request for Production to the extent that it is inconsistent with,
24 or imposes obligations beyond those required by, the Federal Rules of Civil Procedure, the Local Rules
25 of Practice in Civil Proceedings before the United States District Court for the Northern District of
26 California, the Local Rules of Practice for Patent Cases before the United States District Court for the
27
28

1 Northern District of California, Judge Lin's Standing Order for Civil Cases, or any other schedule or
2 ruling that may be entered by the Court.

3 2. YMTC objects to these Requests as overly broad and unduly burdensome to the extent
4 that they are not within the scope of permissible discovery as set forth in the Federal Rules of Civil
5 Procedure, the Local Rules of Practice in Civil Proceedings before the United States District Court for
6 the Northern District of California, the Local Rules of Practice for Patent Cases before the United
7 States District Court for the Northern District of California, Judge Rita. F. Lin's Standing Order for
8 Civil Cases, or any other schedule or ruling that may be entered by the Court.

9 3. YMTC objects to these Requests to the extent that they seek discovery that is premature
10 or contrary to that set forth in the Federal Rules of Civil Procedure, the Local Rules of Practice in Civil
11 Proceedings before the United States District Court for the Northern District of California, the Local
12 Rules of Practice for Patent Cases before the United States District Court for the Northern District of
13 California, the Standing Order for Civil Cases Before Judge Lin, or any other schedule or ruling that
14 may be entered by the Court.

15 4. YMTC objects to these Requests as unreasonably burdensome to the extent that the
16 information and documents requested are not currently within the possession, custody, or control of
17 YMTC.

18 5. YMTC objects to these Requests to the extent they call for disclosure of information
19 or documents that are not obtainable by means of a reasonably diligent search, including without
20 limitation documents that are not maintained by YMTC in the normal course of business or that are
21 no longer maintained by YMTC.

22 6. YMTC objects to these Requests to the extent that they seek production of information
23 or documents subject to a confidentiality obligation owed to a non-party to this case. YMTC will not
24 produce such information, documents, or things without permission of the non-party.

25 7. YMTC objects to these Requests to the extent that they seek the production of
26 confidential or proprietary documents or information prior to the entry of a Protective Order in this
27 case.
28

1 8. YMTC objects to these Requests to the extent that they seek information or documents
2 that are not relevant to the claims, counterclaims, defenses, or subject matter of the pending action or
3 proportional to the needs of the case.

4 9. YMTC objects to these Requests to the extent that they seek to compel YMTC to
5 generate or create information and/or documents that do not already exist.

6 10. YMTC objects to these Requests as unreasonably burdensome to the extent that they
7 seek information and/or documents already known to Micron or available to Micron from documents
8 in its own files or from public sources that are equally as accessible to Micron as they are to YMTC.

9 11. YMTC objects to these Requests to the extent that they are harassing or would lead to
10 unnecessary delay or needless increase in the cost of this action.

11 12. YMTC objects to each Request as overly broad to the extent it is not limited by any
12 time period and seeks information dated prior to the statutorily defined period for which Micron would
13 be entitled to damages if it were to prove infringement. YMTC will therefore limit its responses to
14 the relevant time period under 35 U.S.C. § 286 or to a reasonable time period applicable to each
15 Request.

16 13. YMTC objects to each Request to the extent it seeks information or documents
17 protected from discovery by the attorney-client privilege, the work-product doctrine, the common-
18 interest privilege, and/or any other applicable privilege, immunity, or protection. Nothing contained
19 in YMTC's responses is intended to be, or in any way shall be deemed, a waiver of any such applicable
20 privilege or doctrine.

21 14. YMTC objects to each Request as overly broad, unduly burdensome, not relevant to
22 the claim or defense of any party in this lawsuit, and not proportional to the needs of the case to the
23 extent that it seeks documents concerning any YMTC products beyond those identified by Micron in
24 its Disclosure of Asserted Claims and Infringement Contentions to YMTC, Inc. ("Infringement
25 Contentions").

26 15. YMTC objects to each Request as overly broad, unduly burdensome, not relevant to
27 the claim or defense of any party in this lawsuit, and not proportional to the needs of the case to the
28

CONFIDENTIAL

1 extent that it seeks documents unrelated to the subject matter allegedly claimed in the asserted claims
2 of U.S. Patent Nos. 10,475,737, 8,945,996, 8,803,214, 10,872,903, 10,373,974, 10,950,623,
3 11,501,822, 10,658,378, 10,937,806, 10,861,872, 11,468,957, 11,600,342 and 10,868,031.

4 16. YMTC objects to the Requests on the grounds that they are vague, ambiguous, and
5 unduly burdensome to the extent that they require YMTC to define unclear terms in Micron's
6 Requests.

7 17. YMTC objects to the Requests to the extent that they fail to describe with reasonable
8 particularity the information or documents requested.

9 18. YMTC objects to the Requests on the grounds that they are vague, ambiguous,
10 indefinite, or unduly burdensome to the extent that they contain no geographic limitations.

11 19. YMTC objects to these Requests to the extent they require the identification of any
12 expert witnesses or the substance of their opinions or anticipated testimony because the timing of that
13 identification is governed by the Federal Rules of Civil Procedure, the Local Rules of Practice in Civil
14 Proceedings before the United States District Court for the Northern District of California, the Local
15 Rules of Practice for Patent Cases before the United States District Court for the Northern District of
16 California, the Standing Order for Discovery in Civil Cases Before Judge William H. Orrick, and any
17 other schedule or ruling that may be entered by the Court.

18 20. YMTC objects to these Requests to the extent that they purport to require YMTC to
19 analyze, interpret, or summarize information for Micron that is contained in information or documents
20 produced by YMTC.

21 21. YMTC objects to each Request to the extent that it is duplicative or cumulative of
22 another Request.

23 22. YMTC objects to each and every definition, instruction, and Request to the extent that
24 such definition, instruction, or Request calls for a legal conclusion.

25 23. YMTC's agreement to produce any category of information or documents is not a
26 representation that any such documents or information in that category actually exist in YMTC's
27
28

CONFIDENTIAL

1 possession, custody, or control, or can be located through a reasonable search, or that such documents
2 or information are relevant.

3 24. YMTC objects to these Requests to the extent that they relate to claims currently under
4 review in YMTC's pending Motion to Dismiss the claims against the Accused YMTC Products (Dkt.
5 No. 049).

6 25. YMTC objects to these Requests to the extent they purport to require YMTC to search
7 for and/or produce email. YMTC will not search for or produce email in response to these Requests.
8 YMTC is willing to meet and confer regarding an appropriate ESI order to govern the limited
9 production of email, if any, in accordance with the discussions of the parties regarding such as order.

10 26. YMTC objects to these Requests to the extent that they purport to require YMTC to
11 anticipate Micron future claims or defenses and/or other developments in this action. YMTC has not
12 completed its discovery, investigation, research, and trial preparation, and provides these responses to
13 Micron's Requests based solely on the information and documents presently known to it. YMTC's
14 responses herein are given without prejudice to YMTC's right to amend or supplement in accordance
15 with Fed. R. Civ. P. 26(e).

16 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

17 1. YMTC objects to Micron's Definitions and Instructions to the extent they purport to
18 create requirements or obligations beyond the requirements set forth in the Federal Rules of Civil
19 Procedure, the Local Rules of Practice in Civil Proceedings before the United States District Court for
20 the Northern District of California, the Local Rules of Practice for Patent Cases before the United
21 States District Court for the Northern District of California, Judge Lin's Standing Order for Civil
22 Cases, or any other schedule or ruling that may be entered by the Court.

23 2. YMTC objects to Micron's Definitions and Instructions to the extent they seek
24 information protected from disclosure by the attorney-client privilege, work-product doctrine,
25 common-interest privilege and/or any other applicable privilege or exemption.

26 3. YMTC objects to the definition of "You," "Your," "YMTC," and "Plaintiff" as overly
27 broad, unduly burdensome, vague, ambiguous, and not proportional to the needs of the case to the
28

1 extent it includes “each of their predecessors and successors, their past and present parents,
2 subsidiaries, divisions, and affiliates, other organizational or operating units of any of the foregoing,
3 and all past and present directors, officers, employees, agents, and representatives (including consultants
4 and attorneys).” YMTC interprets the terms “You,” “Your,” “YMTC,” and “Plaintiff” as referring to
5 Plaintiff and Counterclaim Defendant Yangtze Memory Technologies Company, Ltd. and
6 Counterclaim Defendant Yangtze Memory Technologies, Inc., named in this action.

7 4. YMTC objects to the definition of “Related Patents or Patent Applications” as applied
8 in the Requests as overly broad, unduly burdensome, vague, ambiguous, and encompassing irrelevant
9 information because it purports to include “all published and unpublished pending and abandoned
10 applications.”

11 5. YMTC objects to the definition of “Named Inventor(s)” as overly broad, unduly
12 burdensome, vague, ambiguous, and encompassing irrelevant information to the extent it includes
13 individuals “named as an inventor at any time during the prosecution.”

14 6. YMTC objects to the definition of “Prior Art” as overly broad, unduly burdensome,
15 vague, ambiguous, and encompassing irrelevant information to the extent it encompasses more than
16 that stated in 35 U.S.C. §§ 102-103.

17 7. YMTC objects to the definition of “Practicing Product” as overly broad, unduly
18 burdensome, and not proportional to the needs of the case, to the extent that it encompasses “any
19 product, system, apparatus, method, or process that is or was designed (including test chips,
20 prototypes, and engineering samples), tested, manufactured, used, distributed, acquired, licensed,
21 leased, sold, offered for sale, provided, exported, imported, or marketed” by YMTC and or “any of
22 YMTC’s licensees, any prior owner or assignee of the YMTC Asserted Patents, or any authorized
23 licensees of any prior owner or assignee of the YMTC Asserted Patents.”

24 8. YMTC objects to the definition of “document” to the extent that it is inconsistent with
25 the Federal Rules of Civil Procedure.

26 9. YMTC objects to the definition of “communication” as overly broad, unduly
27 burdensome, and not proportional to the needs of the case.
28

10. YMTC objects to the definitions of “relating to,” “related to,” “relate to,” “refer to,” or “concerning” as overly broad, unduly burdensome, and not proportional to the needs of the case.

11. YMTC objects to the definition of “identify” to the extent it purports to create requirements or obligations beyond the requirements set forth in the Federal Rules of Civil Procedure, the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California, the Local Rules of Practice for Patent Cases before the United States District Court for the Northern District of California, Judge Lin’s Standing Order for Civil Cases, or any other schedule or ruling that may be entered by the Court.

12. YMTC objects to the definition of “Person” as overly broad, unduly burdensome, and not proportional to the needs of the case.

13. YMTC objects to the Instructions that accompany the Requests to the extent they purport to specify the manner or format in which YMTC must respond to the Requests. YMTC will respond in a manner that conforms with the Federal Rules of Civil Procedure, the Local Rules, and any other applicable order, rule, or regulation.

14. YMTC objects to Instructions 4-12 to the extent they seek to impose a requirement on YMTC different from that required by Fed. R. Civ. P. 33(b)(4).

15. YMTC incorporates these General Objections into the specific objections set forth below. While YMTC may repeat a General Objection for emphasis or some other reason, the failure to specifically refer to any General Objection does not constitute a waiver of any sort. Moreover, subject to the requirements of the Federal Rules of Civil Procedure, YMTC reserves the right to alter or amend its objections and responses set forth herein as additional facts are ascertained and analyzed.

RESPONSES TO REQUESTS FOR PRODUCTION

YMTC’s responses are based upon current information and belief as a result of reasonable searches and inquiries:

REQUEST FOR PRODUCTION NO. 15:

All documents and things relating to communications between any Named Inventor and YMTC relating to the YMTC Asserted Patents, Related Patents or Patent Applications, Accused YMTC Products, or this Action.

RESPONSE TO REQUEST NO. 15

YMTC incorporates by reference its General Objections. YMTC further objects to this request on the ground that it is not relevant to any claim or defense in this action. YMTC further objects to this request to the extent this request seeks privileged communication protected from discovery by the attorney-client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad and unduly burdensome to the extent it is not bounded in time. YMTC further objects to this request as neither relevant nor proportional to the needs of the case, to the extent it calls for “all documents and things.” Not all documents sought by this Request, if any, will contain information relevant to a claim or defense in this case, and it would be unduly burdensome, disproportionate, and costly for YMTC to collect and produce those irrelevant and/or cumulative documents.

Subject to and without waiving the foregoing objections, YMTC responds that it is willing to meet and confer regarding the scope, relevance, and proportionality of discovery requested by this Request.

Discovery is ongoing, and YMTC reserves the right to supplement its response to this request as warranted by its ongoing investigation.

CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REQUEST FOR PRODUCTION NO. 41:

Documents and things sufficient to identify the locations of manufacture, fabrication, qualification, and testing for each and every Accused YMTC Product that You have made, used, sold,

1 licensed, offered for sale, or imported or made available in the United States or abroad, including the
2 names and addresses of the facilities for manufacturing, fabrication, qualification, and testing.

3 **RESPONSE TO REQUEST NO. 41**

4 YMTC incorporates by reference its General Objections. YMTC further objects to this request
5 as vague, ambiguous, and overbroad as to the terms “qualification.” YMTC further objects to this
6 request as overly broad and unduly burdensome to the extent it is not bounded in time. YMTC further
7 objects to this request to the extent it seeks information, the production of documents, and/or things
8 that YMTC is under an obligation not to disclose, including information or documents that would
9 require YMTC to breach a confidentiality obligation in a contract, protective order, settlement, or other
10 duty to a third party to maintain confidentiality. YMTC further objects to this request to the extent
11 the requested information is publicly available or in the possession or control of Micron. YMTC
12 further objects to this request as neither relevant nor proportional to the needs of the case, to the extent
13 it calls for “each and every Accused YMTC Product.” Not all documents sought by this Request, if
14 any, will contain information relevant to a claim or defense in this case, and it would be unduly
15 burdensome, disproportionate, and costly for YMTC to collect and produce those irrelevant and/or
16 cumulative documents.

17 Subject to and without waiving these objections, YMTC responds that it is willing to meet and
18 confer regarding the scope, relevance, and proportionality of discovery requested by this Request.

19 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
20 as warranted by its ongoing investigation.

21 **REQUEST FOR PRODUCTION NO. 42:**

22 All supply agreements, purchase agreements, sales agreements, joint venture agreements, or
23 partnership agreements between YMTC and any other companies, individuals, governments or other
24 persons or entities related to 3D NAND memory.

25 **RESPONSE TO REQUEST NO. 42**

26 YMTC incorporates by reference its General Objections. YMTC further objects to this request
27 as vague, ambiguous, and overbroad as to the terms “related to 3D NAND memory.” YMTC further
28

1 objects to this request to the extent this request seeks privileged communication protected from
2 discovery by the attorney-client privilege, or the work-product doctrine. YMTC further objects to this
3 request as overly broad and unduly burdensome to the extent it is not bounded in time. YMTC further
4 objects to this request to the extent it seeks information, the production of documents, and/or things
5 that YMTC is under an obligation not to disclose, including information or documents that would
6 require YMTC to breach a confidentiality obligation in a contract, protective order, settlement, or other
7 duty to a third party to maintain confidentiality. YMTC further contends that this request is premature
8 because it requires disclosure of expert testimony prior to the time required by the Case Schedule.
9 YMTC further objects to this request as neither relevant nor proportional to the needs of the case, to
10 the extent it calls for “all agreements” “related to 3D NAND memory,” including those unrelated to
11 this action. Not all documents sought by this Request, if any, will contain information relevant to a
12 claim or defense in this case, and it would be unduly burdensome, disproportionate, and costly for
13 YMTC to collect and produce those irrelevant and/or cumulative documents.

14 Subject to and without waiving these objections, YMTC responds that it is willing to meet and
15 confer regarding the scope, relevance, and proportionality of discovery requested by this Request.

16 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
17 as warranted by its ongoing investigation.

18 **REQUEST FOR PRODUCTION NO. 43:**

19 All documents and things related to YMTCL’s and YMTI’s past and present efforts to obtain
20 approval for or product qualification of the Accused YMTC Products in the United States.

21 **RESPONSE TO REQUEST NO. 43**

22 YMTC incorporates by reference its General Objections. YMTC further objects to this request
23 as vague, ambiguous, and overbroad as to the terms “efforts.” YMTC further objects to this request
24 to the extent this request seeks privileged communication protected from discovery by the attorney-
25 client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad
26 and unduly burdensome to the extent it is not bounded in time. YMTC objects to this request on the
27 ground that it is not relevant to any claim or defense in this action. YMTC further objects to this
28

1 request to the extent it seeks information, the production of documents, and/or things that YMTC is
2 under an obligation not to disclose, including information or documents that would require YMTC to
3 breach a confidentiality obligation in a contract, protective order, settlement, or other duty to a third
4 party to maintain confidentiality. YMTC further objects to this request as neither relevant nor
5 proportional to the needs of the case, to the extent it calls for “all documents and things.” Not all
6 documents sought by this Request, if any, will contain information relevant to a claim or defense in
7 this case, and it would be unduly burdensome, disproportionate, and costly for YMTC to collect and
8 produce those irrelevant and/or cumulative documents.

9 Subject to and without waiving these objections, YMTC responds that it is willing to meet and
10 confer regarding the scope, relevance, and proportionality of discovery requested by this Request.

11 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
12 as warranted by its ongoing investigation.

13 **REQUEST FOR PRODUCTION NO. 44:**

14 All documents and things related to YMTCL’s and YMTI’s past and present efforts to test,
15 evaluate, qualify, or validate Accused YMTC Products in the United States, including but not limited
16 to any testing or other reports generated and communications relating thereto.

17 **RESPONSE TO REQUEST NO. 44**

18 YMTC incorporates by reference its General Objections. YMTC further objects to this request
19 as vague, ambiguous, and overbroad as to the terms “efforts.” YMTC further objects to this request
20 to the extent this request seeks privileged communication protected from discovery by the attorney-
21 client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad
22 and unduly burdensome to the extent it is not bounded in time. YMTC objects to this request on the
23 ground that it is not relevant to any claim or defense in this action. YMTC further objects to this
24 request to the extent it seeks information, the production of documents, and/or things that YMTC is
25 under an obligation not to disclose, including information or documents that would require YMTC to
26 breach a confidentiality obligation in a contract, protective order, settlement, or other duty to a third
27 party to maintain confidentiality. YMTC further objects to this request as neither relevant nor
28

1 proportional to the needs of the case, to the extent it calls for “all documents and things.” Not all
2 documents sought by this Request, if any, will contain information relevant to a claim or defense in
3 this case, and it would be unduly burdensome, disproportionate, and costly for YMTC to collect and
4 produce those irrelevant and/or cumulative documents.

5 Subject to and without waiving these objections, YMTC responds that it is willing to meet and
6 confer regarding the scope, relevance, and proportionality of discovery requested by this Request.

7 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
8 as warranted by its ongoing investigation.

9 **REQUEST FOR PRODUCTION NO. 45:**

10 All marketing materials, white papers, application notes, brochures, pamphlets, flyers, sales
11 collateral, or other documents provided to any customer or potential customer regarding the Accused
12 YMTC products or YMTC’s Xtacking® technology, regardless of version or generation.

13 **RESPONSE TO REQUEST NO. 45**

14 YMTC incorporates by reference its General Objections. YMTC further objects to this request
15 to the extent this request seeks privileged communication protected from discovery by the attorney-
16 client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad
17 and unduly burdensome to the extent it is not bounded in time. YMTC further objects to this request
18 to the extent it seeks information, the production of documents, and/or things that YMTC is under an
19 obligation not to disclose, including information or documents that would require YMTC to breach a
20 confidentiality obligation in a contract, protective order, settlement, or other duty to a third party to
21 maintain confidentiality. YMTC further objects to this request to the extent the requested information
22 is publicly available or in the possession or control of Micron. YMTC further objects to this request
23 as neither relevant nor proportional to the needs of the case, to the extent it calls for “all” materials.
24 Not all documents sought by this Request, if any, will contain information relevant to a claim or
25 defense in this case, and it would be unduly burdensome, disproportionate, and costly for YMTC to
26 collect and produce those irrelevant and/or cumulative documents.

CONFIDENTIAL

1 Subject to and without waiving the foregoing objections, YMTC responds that it is willing to
2 meet and confer regarding the scope, relevance, and proportionality of discovery requested by this
3 Request.

4 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
5 as warranted by its ongoing investigation.

CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REQUEST FOR PRODUCTION NO. 48:

Documents and things sufficient to identify all intercompany transfers of the Accused
YMTC Products between YTMC and YMTI.

RESPONSE TO REQUEST NO. 48

YMTC incorporates by reference its General Objections. YMTC further objects to this request as vague, ambiguous, and overbroad as to the terms “intercompany transfers.” YMTC further objects to this request to the extent this request seeks privileged communication protected from discovery by the attorney-client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad and unduly burdensome to the extent it is not bounded in time. YMTC further objects to this request as neither relevant nor proportional to the needs of the case, to the extent it calls for “all” transfers. Not all documents sought by this Request, if any, will contain information relevant to a claim or defense in this case, and it would be unduly burdensome, disproportionate, and costly for YMTC to collect and produce those irrelevant and/or cumulative documents. YMTC is unaware of intercompany transfers of the Accused YMTC Products between YMTC and YMTI.

YMTC responds that it is willing to meet and confer regarding the scope, relevance, and proportionality of discovery requested by this Request.

Discovery is ongoing, and YMTC reserves the right to supplement its response to this request as warranted by its ongoing investigation.

REQUEST FOR PRODUCTION NO. 49:

Documents and things sufficient to describe all sales or offers for sale of the Accused YMTC Products made on behalf of YMTC by an employee, manager, member, director, or board member of YMTI.

RESPONSE TO REQUEST NO. 49

YMTC incorporates by reference its General Objections. YMTC further objects to this request to the extent this request seeks privileged communication protected from discovery by the attorney-client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad and unduly burdensome to the extent it is not bounded in time. YMTC further objects to this request to the extent it seeks information, the production of documents, and/or things that YMTC is under an obligation not to disclose, including information or documents that would require YMTC to breach a confidentiality obligation in a contract, protective order, settlement, or other duty to a third party to

1 maintain confidentiality. YMTC further objects to this request as neither relevant nor proportional to
2 the needs of the case, to the extent it calls for “all sales or offers for sale.” Not all documents sought
3 by this Request, if any, will contain information relevant to a claim or defense in this case, and it would
4 be unduly burdensome, disproportionate, and costly for YMTC to collect and produce those irrelevant
5 and/or cumulative documents.

6 Subject to and without waiving these objections, YMTC responds that it is willing to meet and
7 confer regarding the scope, relevance, and proportionality of discovery requested by this Request.

8 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
9 as warranted by its ongoing investigation.

10 **REQUEST FOR PRODUCTION NO. 50:**

11 Documents sufficient to describe all sales and offers for sale of the Accused YMTC Products
12 since January 1, 2016, including, on a monthly and per-country basis, the number of units sold, the
13 revenue for each sale, the cost of each sale, the profits for each sale, the identity and location of the
14 customer or purchaser for each sale, the identity and location of all distributors, importers, and
15 exporters for each sale, the location to which the products are shipped, the location to which the
16 products are billed, and the country from which the product was shipped.

17 **RESPONSE TO REQUEST NO. 50**

18 YMTC incorporates by reference its General Objections. YMTC further objects to this request
19 to the extent it is compound or includes multiple discrete subparts and therefore is improperly
20 categorized as a single request. YMTC further objects to this request to the extent that it purports to
21 require the premature disclosure of expert testimony, evidence, argument, contentions, or any other
22 disclosure inconsistent with the Federal Rules of Civil Procedure, any local rules, or the Scheduling
23 Order entered in this matter. YMTC further contends that this request is premature because it requires
24 disclosure of expert testimony prior to the time required by the Case Schedule. YMTC further objects
25 to this request as neither relevant nor proportional to the needs of the case, to the extent it calls for “all
26 sales and offers for sale.” Not all documents sought by this Request, if any, will contain information
27
28

1 relevant to a claim or defense in this case, and it would be unduly burdensome, disproportionate, and
2 costly for YMTC to collect and produce those irrelevant and/or cumulative documents.

3 Subject to its Objections, YMTC responds that it is willing to meet and confer regarding the
4 scope, relevance, and proportionality of discovery requested by this Request.

5 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
6 as warranted by its ongoing investigation.

7 **REQUEST FOR PRODUCTION NO. 51:**

8 Documents and things sufficient to show and describe in detail Your historical, existing, and
9 projected sales, monthly and quarterly revenue, profits, profit margins, pricing, pricing strategies,
10 market shares, and costs—including without limitation development, personnel, material, advertising,
11 promotion, sales commission, and equipment costs—for each Accused YMTC Product existing or
12 under development, from the date that You began to develop each product.

13 **RESPONSE TO REQUEST NO. 51**

14 YMTC incorporates by reference its General Objections. YMTC further objects to this request
15 as vague, ambiguous, and overbroad as to the terms “historical,” “strategies,” “material,” and
16 “promotion.” YMTC further objects to this request to the extent this request seeks privileged
17 communication protected from discovery by the attorney-client privilege, or the work-product
18 doctrine. YMTC further objects to this request as overly broad and unduly burdensome to the extent
19 it is not bounded in time. YMTC further objects to this request to the extent it seeks information, the
20 production of documents, and/or things that YMTC is under an obligation not to disclose, including
21 information or documents that would require YMTC to breach a confidentiality obligation in a
22 contract, protective order, settlement, or other duty to a third party to maintain confidentiality. YMTC
23 further objects to this request to the extent it is compound or includes multiple discrete subparts and
24 therefore is improperly categorized as a single request. YMTC further objects to this request to the
25 extent that it purports to require the premature disclosure of expert testimony, evidence, argument,
26 contentions, or any other disclosure inconsistent with the Federal Rules of Civil Procedure, any local
27 rules, or the Scheduling Order entered in this matter.
28

CONFIDENTIAL

1 Subject to and without waiving the foregoing objections, YMTC responds that it is willing to
2 meet and confer regarding the scope, relevance, and proportionality of discovery requested by this
3 Request.

4 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
5 as warranted by its ongoing investigation.

REQUEST FOR PRODUCTION NO. 53:

Documents and things sufficient to show the first prototypes, first testing, first release, and first use of each Accused YMTC Product.

RESPONSE TO REQUEST NO. 53

YMTC incorporates by reference its General Objections. YMTC further objects to this request as vague, ambiguous, and overbroad as to the terms “first prototypes,” “first testing,” “first release,” and “first use.” YMTC further objects to this request to the extent this request seeks privileged communication protected from discovery by the attorney-client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad and unduly burdensome to the extent it is not bounded in time. YMTC further contends that this request is premature because it requires disclosure of expert testimony prior to the time required by the Case Schedule.

Subject to and without waiving the foregoing objections, YMTC responds that it is willing to meet and confer regarding the scope, relevance, and proportionality of discovery requested by this Request.

Discovery is ongoing, and YMTC reserves the right to supplement its response to this request as warranted by its ongoing investigation.

CONFIDENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21 **REQUEST FOR PRODUCTION NO. 73:**

22 Documents sufficient to identify all YMTC engineers who previously worked at Micron
23 on Micron's 3D NAND memory products, processes, or technology.

24 **RESPONSE TO REQUEST NO. 73**

25 YMTC incorporates by reference its General Objections. YMTC further objects to this
26 request as overly broad and unduly burdensome to the extent it is not bounded in time. YMTC
27 further objects to this request to the extent it seeks information, the production of documents,
28 and/or things that

CONFIDENTIAL

YMTC is under an obligation not to disclose, including information or documents that would require YMTC to breach a confidentiality obligation in a contract, protective order, settlement, or other duty to a third party to maintain confidentiality. YMTC further objects to this request to the extent the requested information is publicly available or in the possession or control of Micron. YMTC further objects to this request as neither relevant nor proportional to the needs of the case, to the extent it calls for “all YMTC engineers.” Not all documents sought by this Request, if any, will contain information relevant to a claim or defense in this case, and it would be unduly burdensome, disproportionate, and costly for YMTC to collect and produce those irrelevant and/or cumulative documents.

Subject to and without waiving these objections, YMTC will not search for or produce documents responsive to this Request at this time.

Discovery is ongoing, and YMTC reserves the right to supplement its response to this request as warranted by its ongoing investigation.

REQUEST FOR PRODUCTION NO. 74:

All documents and things obtained from Micron or from any present or former employee of Micron.

RESPONSE TO REQUEST NO. 74

YMTC incorporates by reference its General Objections. YMTC further objects to this request as vague, ambiguous, and overbroad as to the terms “employee.” YMTC further objects to this request to the extent this request seeks privileged communication protected from discovery by the attorney-client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad and unduly burdensome to the extent it is not bounded in time. YMTC further objects to this request to the extent it seeks information, the production of documents, and/or things that YMTC is under an obligation not to disclose, including information or documents that would require YMTC to breach a confidentiality obligation in a contract, protective order, settlement, or other duty to a third party to maintain confidentiality. YMTC further objects to this request as neither relevant nor proportional to the needs of the case, to the extent it calls for “all documents and things.” Not all documents sought by this Request, if any, will contain information relevant to a claim or defense in this case, and it would

1 be unduly burdensome, disproportionate, and costly for YMTC to collect and produce those irrelevant
2 and/or cumulative documents.

3 Subject to and without waiving these objections, YMTC will not search for or produce
4 documents responsive to this Request at this time.

5 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
6 as warranted by its ongoing investigation.

7 **REQUEST FOR PRODUCTION NO. 75:**

8 All documents and things reflecting communications between any current or former employee
9 of Micron and YMTC regarding Micron's 3D NAND memory products, processes, or technology
10 including but not limited to Hongbin Zhu, Daesik Song, Jun Liu, Zhenyu Lu, Qian Tao, Yushi Hu, and
11 Changhyun Lee.

12 **RESPONSE TO REQUEST NO. 75**

13 YMTC incorporates by reference its General Objections. YMTC further objects to this request
14 as vague, ambiguous, and overbroad as to the terms "employee." YMTC further objects to this request
15 to the extent this request seeks privileged communication protected from discovery by the attorney-
16 client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad
17 and unduly burdensome to the extent it is not bounded in time. YMTC further objects to this request
18 to the extent it seeks information, the production of documents, and/or things that YMTC is under an
19 obligation not to disclose, including information or documents that would require YMTC to breach a
20 confidentiality obligation in a contract, protective order, settlement, or other duty to a third party to
21 maintain confidentiality. YMTC further objects to this request as neither relevant nor proportional to
22 the needs of the case, to the extent it calls for "all documents and things." Not all documents sought
23 by this Request, if any, will contain information relevant to a claim or defense in this case, and it would
24 be unduly burdensome, disproportionate, and costly for YMTC to collect and produce those irrelevant
25 and/or cumulative documents.

26 Subject to and without waiving these objections, YMTC will not search for or produce
27 documents responsive to this Request at this time.
28

1 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
2 as warranted by its ongoing investigation.

3 **REQUEST FOR PRODUCTION NO. 76:**

4 All documents and things related to 3D NAND memory obtained directly or indirectly from
5 any current or former employee of Micron, including without limitation from Hongbin Zhu, Daesik
6 Song, Jun Liu, Zhenyu Lu, Qian Tao, Yushi Hu, and Changhyun Lee.

7 **RESPONSE TO REQUEST NO. 76**

8 YMTC incorporates by reference its General Objections. YMTC further objects to this request
9 as vague, ambiguous, and overbroad as to the terms “employee.” YMTC further objects to this request
10 to the extent this request seeks privileged communication protected from discovery by the attorney-
11 client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad
12 and unduly burdensome to the extent it is not bounded in time. YMTC further objects to this request
13 to the extent it seeks information, the production of documents, and/or things that YMTC is under an
14 obligation not to disclose, including information or documents that would require YMTC to breach a
15 confidentiality obligation in a contract, protective order, settlement, or other duty to a third party to
16 maintain confidentiality. YMTC further objects to this request as neither relevant nor proportional to
17 the needs of the case, to the extent it calls for “all documents and things.” Not all documents sought
18 by this Request, if any, will contain information relevant to a claim or defense in this case, and it would
19 be unduly burdensome, disproportionate, and costly for YMTC to collect and produce those irrelevant
20 and/or cumulative documents.

21 Subject to and without waiving these objections, YMTC will not search for or produce
22 documents responsive to this Request at this time.

23 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
24 as warranted by its ongoing investigation.

25 **REQUEST FOR PRODUCTION NO. 77:**

26 All documents, things, and communications related to Micron’s 3D NAND memory products,
27 their structure, their operation, or their fabrication obtained from Micron or any former employee of
28

1 Micron, including without limitation from Hongbin Zhu, Daesik Song, Jun Liu, Zhenyu Lu, Qian Tao,
2 Yushi Hu, and Changhyun Lee.

3 **RESPONSE TO REQUEST NO. 77**

4 YMTC incorporates by reference its General Objections. YMTC further objects to this request
5 as vague, ambiguous, and overbroad as to the terms “employee.” YMTC further objects to this request
6 to the extent this request seeks privileged communication protected from discovery by the attorney-
7 client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad
8 and unduly burdensome to the extent it is not bounded in time. YMTC further objects to this request
9 to the extent it seeks information, the production of documents, and/or things that YMTC is under an
10 obligation not to disclose, including information or documents that would require YMTC to breach a
11 confidentiality obligation in a contract, protective order, settlement, or other duty to a third party to
12 maintain confidentiality. YMTC further objects to this request as neither relevant nor proportional to
13 the needs of the case, to the extent it calls for “all documents and things.” Not all documents sought
14 by this Request, if any, will contain information relevant to a claim or defense in this case, and it would
15 be unduly burdensome, disproportionate, and costly for YMTC to collect and produce those irrelevant
16 and/or cumulative documents.

17 Subject to and without waiving these objections, YMTC will not search for or produce
18 documents responsive to this Request at this time.

19 Discovery is ongoing, and YMTC reserves the right to supplement its response to this request
20 as warranted by its ongoing investigation.

21 **REQUEST FOR PRODUCTION NO. 78:**

22 All documents, things, and communications that originated from Micron or from a Micron
23 employee, including all documents, things, and communications that any former employee of Micron,
24 including without limitation Hongbin Zhu, Daesik Song, Jun Liu, Zhenyu Lu, Qian Tao, Yushi Hu,
25 and Changhyun Lee, brought from Micron to YMTC.
26
27
28

RESPONSE TO REQUEST NO. 78

YMTC incorporates by reference its General Objections. YMTC further objects to this request as vague, ambiguous, and overbroad as to the terms “employee.” YMTC further objects to this request to the extent this request seeks privileged communication protected from discovery by the attorney-client privilege, or the work-product doctrine. YMTC further objects to this request as overly broad and unduly burdensome to the extent it is not bounded in time. YMTC further objects to this request to the extent it seeks information, the production of documents, and/or things that YMTC is under an obligation not to disclose, including information or documents that would require YMTC to breach a confidentiality obligation in a contract, protective order, settlement, or other duty to a third party to maintain confidentiality. YMTC further objects to this request as neither relevant nor proportional to the needs of the case, to the extent it calls for “all documents and things.” Not all documents sought by this Request, if any, will contain information relevant to a claim or defense in this case, and it would be unduly burdensome, disproportionate, and costly for YMTC to collect and produce those irrelevant and/or cumulative documents.

Subject to and without waiving these objections, YMTC will not search for or produce documents responsive to this Request at this time.

Discovery is ongoing, and YMTC reserves the right to supplement its response to this request as warranted by its ongoing investigation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Date: May 6, 2024

Respectfully submitted,

By: /s/ Andrew T. Radsch

James R. Batchelder (CSB # 136347)
Andrew T. Radsch (CSB # 303665)
James F. Mack (CSB # 322056)
Nancy N. Attalla (CSB # 341070)
ROPES & GRAY LLP
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303-2284
Telephone: (650) 617-4000
james.batchelder@ropesgray.com
andrew.radsch@ropesgray.com
james.mack@ropesgray.com
nancy.attalla@ropesgray.com
Rachael Bacha (NYB # 4817938)
1211 Avenue of the America
New York, NY 10036
Telephone: (212) 596-9062
rachael.bacha@ropesgray.com

Nicole S. L. Pobre (DCB # 1735421)
2099 Pennsylvania Avenue,
N.W. Washington, D.C. 20006
Telephone: (202) 508-4600
nicole.pobre@ropesgray.com
Attorneys for Plaintiff and Counterclaim Defendant
YANGTZE MEMORY TECHNOLOGIES
and Counterclaim Defendant
COMPANY, LTD. AND YANGTZE MEMORY
TECHNOLOGIES, INC.

CERTIFICATE OF SERVICE

I hereby certify that this document is being served upon counsel of record for Defendant's
and Counterclaim Plaintiff on May 6, 2024, via electronic service.

/s/ Drago Gregov

Drago Gregov